

### **REMARKS**

The Examiner objected to claims 16-18 and 20-24 because these claims invoke means language and the Applicant has not specifically defined the corresponding structure.

Independent claims 16 and 20 recite flow restrictor means for creating a non-linear relationship between fluid pressure and flow rate. The Applicant submits that this means is the flow restrictor 54 having a diameter between 0.1 and 1.0 millimeters. As stated on page 9, lines 16-22, a flow restrictor with a diameter between 0.1 and 1.0 millimeters will provide the nozzle effect shown in Figs. 3 and 4 when fitted with conventional aspiration tubing. Conventional aspiration tubing typically has a range of 1.5 to 2.0 millimeters. Figure 3 shows a non-linear relationship between flow and pressure.

The Examiner rejected claims 1, 5, 7, 11, 12, 16, 20 and 22 under 35 U.S.C. §102(e) as being anticipated by Easley. The Examiner rejected claims 2, 8, 13, 17, and 23 under 35 U.S.C. §103(a) as being unpatentable over Easley. The Examiner rejected claims 1-25 under 35 U.S.C. §103(a) as being unpatentable over Easley in view of Beuchat. The Examiner admits that Easley does not disclose a flow restrictor with a diameter between 0.1 and 1.0 millimeters. The Examiner further states that the Applicant does not disclose the advantage of having such a range. The advantage of having such a range is clearly stated on page 9, lines 16-22.

The Applicant had discovered that this range of diameters for a flow restrictor when used with conventional tubing having a diameter between 1.5 and 2.5 millimeters will create a non-linear flow as shown in Figure 3 of the drawings. A diameter less than 0.1 millimeters when used with conventional tubing will be unduly restrictive during normal operation of the system. A diameter greater than 1.0 millimeter when used with conventional tubing will not create the non-linear effect shown in Figure 3. The recited ranges of the flow restrictor and tubing create a non-linear relationship between pressure and flow to minimize post-occlusion pressure in the

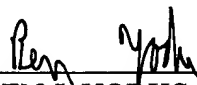
tube. Easley does not disclose this combination of dimensional ranges to obtain this effect. The Applicant therefore submits that the prior art neither anticipates nor renders obvious the claims.

In view of the above it is submitted that the claims are in condition for allowance.

Reconsideration of the objection and rejections is requested. Allowance of claims 1, 3-7, 9, 10, 18-22, 24 and 25 at an early date is solicited.

Respectfully submitted,  
IRELL & MANELLA LLP

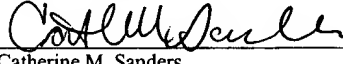
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Catherine M. Sanders Date